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PATENT

Docket No. 12013/55202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

SEP 26 2002

TECH CENTER 1600/2900

Inventors : Wei-Ping Li et al.
Serial No. : 09/750,779
Filed : 2 January 2001
For : Controlled Delivery of Therapeutic Agents by Insertable Medical Devices
Group Art Unit : 1633
Examiner : Dave Nguyen

ASSISTANT COMMISSIONER
FOR PATENTS
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This is in response to the Office Action dated August 30, 2002, which set a one-month period for response expiring on September 30, 2002.

It is believed that no extension of time is required in connection with this response.

However, the Commissioner is hereby authorized to charge any necessary fee, or to credit any overpayment, to Kenyon & Kenyon's Deposit Account No. 11-0600.

The Office Action stated that **Group Restriction** is required under 25 U.S.C. §121 to a specifically named therapeutic agent as listed in claims 6-9, 15-18, 24-27, 33-36, 43-44. For continued prosecution in this application, Applicants hereby elect, without traverse, the polynucleotides encoding angiogenic agents.

The Office Action also stated that **Species Restriction** is required under 35 U.S.C. §121 to a specifically named cationic polyelectrolyte as listed in claims 4, 13, 22, 31, and 41. For continued prosecution in this application, Applicants hereby elect, without traverse, chitosan. Claims 1-46 read on the elected species.

The Office Action also stated that **Species Restriction** is required under 35 U.S.C. §121 to a specifically named medical device as listed in claims 5, 14, 23, 32, and 42. For continued prosecution in this application, Applicants hereby elect, without traverse, a balloon catheter. Claims 1-46 read on the elected species.

The Office Action also stated that **Species Restriction** is required under 35 U.S.C. §121 to a specifically named therapeutic agent as listed in claims 6-9, 15-18, 24-27, 33-36, and 43-44. For continued prosecution in this application, Applicants hereby elect, without traverse, a polynucleotide encoding angiogenic agents. Claims 1-6, 9-15, 18-24, 27-33, 36-43, and 46 read on the elected species.

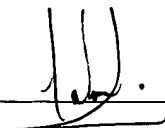
The Office Action also stated that **Species Restriction** is required 35 U.S.C. §121 to a specifically named tissue as listed in claims 37 and 46. For continued prosecution in this application, Applicants hereby elect, without traverse, a heart. Claims 28-46 read on the elected species.

Applicants retain the right to file a divisional application(s) directed to subject matter of the claims of non-elected groups and species.

Respectfully submitted,

KENYON & KENYON

Date: Sept. 25 2002

A handwritten signature in dark ink, appearing to be 'Zeba Ali', is written over a horizontal line.

Zeba Ali
Reg. No. 51,392

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